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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1418TH MEETING

Held at Headquarters, New York,
on Tuesday, 13 July 1993, at 10 a.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Question of the United States Virgin Islands

- Question of East Timor (A/AC.109/1154 and 1167)

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The meeting was called to order at 10.35 a.m.

QUESTION OF THE UNITED STATES VIRGIN ISLANDS

The CHAIRMAN: As members will recall, the Committee, at its 1415th meeting, on 7 July, granted a request for hearing to Mrs. Judith L. Bourne of the United Nations Association of the Virgin Islands. Mr. Lennox Hinds will make the statement on behalf of the Association.

At the invitation of the Chairman, Mr. Lennox Hinds (United Nations Association of the Virgin Islands) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Hinds.

Mr. HINDS (United Nations Association of the Virgin Islands): Permit me to thank you, Sir, and the Committee for your leadership and accomplishments in your very important work. We thank the Special Committee on behalf of the United Nations Association of the Virgin Islands (UNAVI) for its gracious courtesy in providing us with the opportunity to present our views, concerns and observations with respect to the United States Virgin Islands.

Our Association is a relatively young organization. Legally incorporated at the beginning of 1992, it is comprised of inhabitants of St. Thomas, St. Croix and St. John in the United States Virgin Islands and of Tortola in the British Virgin Islands. Some of its purposes are to make known and gain support for the aims, achievements and activities of the organizations of the United Nations system; to conduct activities, studies and research relating to the United Nations system; and to strive to promote harmony and economic, social and cultural progress in the countries.

(Mr. Hinds)

With a membership base in two adjacent Non-Self-Governing Territories, it is notable that this organization was founded during the International Decade for the Eradication of Colonialism. Indeed, the two Caribbean regional conferences that were held within the context of the Programme of Action for the Decade helped to stimulate the creation of UNAVI.

(Mr. Hinds)

The close connection between the British and United States Territories mandated that the organization envisaged by its founders extend to both Territories, notwithstanding their being administered by two different nations. These links, which include the familial, economic, social and cultural, extend from the beginnings of our colonial past to the present. On a formal governmental level, the current activities of the revived Inter-Virgin Islands Conference attests to the enduring nature of those links.

The emergence of UNAVI also marks the beginning of a change in the political consciousness of the dependent populations. A wider recognition is developing within these Territories on two related matters: first, that the Territories have a status in international law and in the world community that inheres in them and that affects their relationship with their respective administering Powers and, secondly, that the United Nations itself has a role with regard to them.

Within the United States Virgin Islands, this recognition began to grow as a result of the role of the Save Long Bay Coalition in bringing to this body the issue of the activities of the West Indian Company (WICO) in the harbour of the capital, Charlotte Amalie. The publicity which accrued from the presentations made by the Coalition provoked discussions with regard to the relevance of the United Nations to matters within the Territory.

It is generally accepted within the United States Virgin Islands that the United Nations, by providing a forum in which the WICO issue was discussed annually and by validating the legitimacy of the concerns expressed by the Save Long Bay Coalition, facilitated the offer made by the West Indian Company, Ltd., to the Government of the United States Virgin Islands for the sale of all the stock of the Company. As the Committee undoubtedly knows, that offer was accepted and the sale was consummated on 30 June 1993.

(Mr. Hinds)

The issues of sovereignty raised by the claims of WICO as a Danish-owned development company have now been resolved, even though the Territory had to rely on its own resources. The remaining environmental issues which surround the persisting viability of the questionable development permit granted to WICO continue to be addressed by the Coalition and other civic organizations.

The likelihood that this acquisition would not have become a possibility without the attention given to the issue by the United Nations has given the world community and this Committee an identity in the United States Virgin Islands that it did not have before. And, of course, the status referendum that has been pending since 1989 has served to bring the question of the role of international law and the United Nations into public discourse.

This Committee has taken note of the status referendum, as it is generally referred to in the Territory, since its proposal in 1988. At that time, this Committee reaffirmed the right of the United States Virgin Islands to self-determination, in conformity with resolution 1541 (XV), and referred to the recent enactment of legislation providing for a referendum on seven status options.

In the Territory, debates on the referendum and the options have increasingly been taking place as part of the educational campaign of the Commission on Status and Federal Relations. These debates have raised issues which demonstrate the ways in which the United Nations system can assist the United States Virgin Islands in its political evolution.

One of the issues which has become more pointed as more attention has been focused on it is that of who should vote in the referendum. The electoral rolls are composed of citizens of the United States who have resided in the Territory for at least 90 days and who have registered. Relatively soon after the first date was set for the referendum, suggestions were heard

(Mr. Hinds)

from within the population that only those persons who had resided in the Territory for a longer time - perhaps five years - should be entitled to vote.

Although there was some comment on this issue, interest in the referendum and knowledge of the pertinent issues had not permeated the population by the time of hurricane Hugo in September 1989, which forced the postponement of the referendum.

With the initiation of a new educational campaign after the setting of a new date for the referendum, two issues have gained some prominence. One, that of who should vote, was raised with more force; the other, the appropriateness of the seven listed options - both overtly raised questions of international law.

One of the co-chairpersons of the Status Commission has publicly and vehemently taken the position that no person eligible to vote in elections under the laws of the United States can be denied a vote in the status referendum. Her stated basis is that any deviation would be in violation of the United States Constitution and, therefore, illegal.

By the time it became clear that the population was not ready to make a decision and that a further postponement of the referendum was needed, this issue had become so contentious that the statute enacted to postpone the referendum also directed the Status Commission to study the issue and provide the Legislature with a report on voter eligibility. The Commission decided that it could not determine what position was legally accurate and delivered a report which purported to clarify both positions but which refrained from taking a position on the strength or correctness of either. A strong split on the issue among the Commission members strongly influenced the structure of the report.

(Mr. Hinds)

As the issue has not been resolved, the chairperson who relies on the United States Constitution and is also a member of the territorial Legislature introduced a resolution to that body making it the "sense of the Legislature" that all persons regularly entitled to vote in elections, and only such persons, can be allowed to vote in a status referendum. That resolution has recently been held for consideration until public hearings can be held on the issue on each of the three main islands.

The appropriateness of the seven options was raised by those who attempted to compare them to the three categories set forth in resolution 1541 (XV), that is, integration into an independent State, free association with an independent State and independence.

The confusion generated by the seven options caused the Commission finally to group them into three categories for the first round of the referendum. However, rather than focusing on the choices available to the Territory from the viewpoint of its ultimate destination, the choices are described in terms of their movement towards or away from the overriding sovereignty of the United States.

Pertinent norms of international law have now been injected into the public discussion of these issues. However, rather than attempting to determine what those norms require, some persons who are involved in the educational campaign have begun to assert that the real question is whether the referendum is an act of self-determination under international law or a domestic consultation to which international law does not apply. No rationalization has been put forth as to the basis for a domestic consultation on political status that includes as choices independence, free association, commonwealth and so on, but which is not based on the right to self-determination recognized by the United Nations and the United States.

(Mr. Hinds)

In its ratification of the United Nations Charter, its placement of the United States Virgin Islands on the list of Non-Self-Governing Territories and its voting in favour of successive resolutions of this Committee, the United States of America has recognized that the right of self-determination emanates from international law and that the validity of its exercise is determined by the norms of international law.

The character of a great many opinions expressed in the debates that have been heard on these and other issues raised by the educational campaign of the Status Commission show the serious need for additional clear information on applicable norms of international law and on the experience of other Non-Self-Governing Territories which have exercised or are in the process of exercising their right to self-determination.

(Mr. Hinds)

From a relatively early stage of its work the Status Commission came to the conclusion that a visiting mission from the Committee would be appropriate and useful. The Commission forwarded its request to the Governor, who transmitted it to the United States Department of State. Although the initial request was turned down by the State Department, which said that it was in the midst of a policy review, after the postponement of the referendum a subsequent request was made. So far there has been no response from the administering Power.

On 11 May 1993 the Virgin Islands Daily News printed an editorial commenting on the desire expressed in a resolution of the Subcommittee to send a visiting mission. The editorial was entitled "Come on down".

These requests for information and the expressed desires for a closer interaction with the United Nations are evidence of an increase in consciousness in Non-Self-Governing Territories, which is one of the goals of the International Decade for the Eradication of Colonialism. Just as the WICO issue raised by the Save Long Bay Coalition opened the eyes of many in the United States Virgin Islands to the importance that political status can have in concrete, practical matters, the increase in consciousness will spread as more and more Virgin Islanders realize the impact that their political status has on many governmental policies and decisions, which are policies and decisions that affect many areas of their lives.

A guest editorial in the Virgin Islands Daily News of 8 May 1993 began as follows:

> "We have known for years that political status is the most important issue facing the United States Virgin Islands. However, the upcoming referendum is not an act of self-determination by the people of the

(Mr. Hinds)

United States Virgin Islands, but an opinion poll expressed by the registered voters in the territory".

At the first Regional Seminar in Observance of the Thirtieth Anniversary of the Declaration on decolonization, held in Barbados in 1990, participants stressed that the United Nations should intensify its efforts to ensure the widest possible dissemination of information on decolonization, emphasizing the utilization of regional organizations and non-governmental organizations.

It was recognized that, as the Decade continues, the territorial Governments may not always be the most appropriate vehicles for the dissemination of information. Although attempts were made by the Government of the United States Virgin Islands to obtain comprehensive information from the United Nations on the matter of voter eligibility, they were unsuccessful.

As a non-governmental organization, UNAVI is in a position to assist in this crucial function. In this regard, we see our task as twofold: we can both provide information to the people of the Territories and provide the Committee with another view of the situation there.

As the people of the United States Virgin Islands become more and more aware of the applicability of the Territory's political status and of the norms of international law to the issues in their everyday lives, the need for this two-way flow of information will increase. As a part of its programme, UNAVI intends to assist in the fulfilment of this need, and thereby assist in the fulfilment of the United Nations activity most closely associated with our Territories: the Decade for the Eradication of Colonialism.

I thank you, Mr. Chairman, and the Committee for this opportunity to present the views of our organization.

The CHAIRMAN: On behalf of the Committee, I thank Mr. Hinds for the information he has provided to the Committee to assist it in its work.

The petitioner withdrew.

QUESTION OF EAST TIMOR (A/AC.109/1154 and 1167)

The CHAIRMAN: I wish to inform members that the delegation of Sao Tome and Principe has requested to participate, on behalf of the delegations of Angola, Cape Verde, Guinea-Bissau and Mozambique, in the proceedings during the Special Committee's consideration of the question of East Timor.

As I hear no objection, may I take it that the Committee accedes to this request?

It was so decided.

At the invitation of the Chairman, Mr. Ferreira (Sao Tome and Principe) took a place at the Committee table.

The CHAIRMAN: I understand that the working paper (A/AC.109/1154) on this question prepared by the secretariat will be available this afternoon.

I wish to draw members' attention to a communication dated 12 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations, contained in document A/AC.109/1167, and to aide-mémoire 13/93 and Add.1 containing requests for hearing.

Mr. JENIE (Indonesia): Allow me, Mr. Chairman, to make a brief statement with regard to the aides-mémoire of 9 and 13 July 1993.

At the opening meeting of the Committee's session in February, my delegation categorically objected to the inclusion of the so-called question of East Timor on the Committee's agenda. Therefore, we regret to see that the Committee will spend valuable time and effort on a matter that ceased to be an issue 18 years ago.

(Mr. Jenie, Indonesia)

In this regard, let me reiterate my Government's position.

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory. Subsequently, the integration of East Timor into the Republic of Indonesia, as its twenty-seventh province, with rights and obligations equal to those of the other provinces, was formalized on 17 July 1976. It is also a matter of record that during the decolonization process the United Nations and its relevant bodies were kept fully apprised of the situation in the province. In our view, therefore, East Timor has long ceased to be an issue of self-determination or decolonization.

My delegation therefore reiterates its view that consideration of the question by the Committee is inappropriate and would constitute interference in matters that are essentially within the domestic jurisdiction of a sovereign Member State. Moreover, any granting of a hearing to any petitioner would serve no useful purpose whatsoever.

My delegation therefore once again very strongly opposes the consideration of the so-called question of East Timor and the appearance of petitioners, and requests that this opposition should be reflected in the official records of the Committee.

The CHAIRMAN: The reservations expressed by the representative of Indonesia will be reflected in the record of the meeting.

I call on the representative of Tunisia, who wishes to speak on a point of order.

Mr. ARDHAOUI (Tunisia) (interpretation from French): I feel, Mr. Chairman, that what you said after the statement by the representative of Indonesia requires some explanation. It concerns a vital question, involving the destiny of an entire people and country. I think we should not proceed so quickly.

Following the statement by the representative of Indonesia, you said, Sir, that his reservations would appear in the record of the meeting. I think this is a very easy way of dealing with the problem. If we were always to act in this way, there would be no more problems in the United Nations, and the United Nations would no longer exist.

The representative of Indonesia has posed the problem. He said that he objected to consideration of the matter. I think that the Bureau or you, Sir, should ask the members of the Committee what they think about the objection by Indonesia. Is the Committee prepared to continue discussing this matter? The Committee has the right to express its opinion and give its view regarding the reservations expressed by Indonesia.

However, Mr. Chairman, you are simply placing the reservations on record without requesting the opinion of the Committee. I think this is a very important question. It is not just a matter of recording reservations; rather, it is a matter of opening up a debate on the timeliness of discussing this issue.

The CHAIRMAN: Does any other member have comments in connection with the reservations to be expressed?

Ms. KING-ROUSSEAU (Trinidad and Tobago): My delegation has no objection to proceeding as we have in previous years, which is to hear the petitioners who have taken the time and made the effort to come and present to

(Ms. King-Rousseau,
Trinidad and Tobago)

the members of the Committee the situation in a Territory that remains on the United Nations list.

The CHAIRMAN: As requested by the representative of Tunisia, this question will be further studied by the Bureau of the Committee for further deliberations. On that understanding, and if there are no further comments, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The CHAIRMAN: In accordance with the decision just taken, the Committee will hear the petitioners whose requests we have just granted, but first I call on the representative of Tunisia, who wishes to speak on a point of order.

Mr. ARDHAOUI (Tunisia) (interpretation from French): I think that we are moving very fast on this; we must take our time on important issues.

At the opening of the 1993 session of the Committee a very clear question was raised in this very chamber. It was said that at its forty-seventh session the General Assembly had adopted a resolution stating that the question of East Timor would not be raised until the forty-eighth session. The delegation which raised this point also asked whether, given that we were, and still are, in the forty-seventh session, we have the right to enter into the work of the forty-eighth session at this point. My delegation thought that the Bureau would consult with the Organization's Legal Counsel, because that is the established procedure whenever different interpretations of a United Nations text arise. But it appeared that there was in fact a different interpretation of the resolution of the forty-seventh session.

So the question I am asking is this: has the Bureau requested the advice of the Legal Counsel as to the interpretation of the famous resolution adopted

(Mr. Ardhaoui, Tunisia)

at the forty-seventh session, under which the question of East Timor is to be dealt with only at the forty-eighth session?

The CHAIRMAN: On the basis of the request that the representative of Tunisia has made of the Committee, the Committee will ask its Secretary to request the Legal Counsel for such an opinion, to assist the Bureau's work on this matter.

At the invitation of the Chairman, Mr. José António Amorim Dias (National Council of Maubere Resistance (CNRM)) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Amorim Dias.

Mr. AMORIM DIAS (National Council of Maubere Resistance (CNRM)): First, on behalf of the National Council of Maubere Resistance (CNRM), allow me to express our gratitude to the Secretary of the Committee for this invitation to address it today, as the Committee once again reviews the situation in East Timor. I also extend my congratulations to you, Sir, on your election to preside over the Committee.

Allow me to introduce myself. I am José António Amorim Dias, from East Timor. I was previously a student and human rights activist. I spent some time in a prison in Jakarta, having committed the "crime" of supporting the human rights of our people, so grossly violated by the present Indonesian occupiers of our homeland. After escaping from Indonesia, I was appointed CNRM representative for the European Community countries by Mr. José Ramos Horta, the Special Representative of CNRM. Mr. Ramos Horta regrets not being able to be present to address the Committee today.

The National Council of Maubere Resistance is based inside East Timor. It is a non-partisan umbrella organization encompassing all East Timorese parties, movements and associations struggling for self-determination and independence of the occupied Territory of East Timor.

(Mr. Amorim Dias)

East Timor, with nearly 19,000 square kilometres of land and a population of some 700,000 people, according to the last figures prior to the Indonesian invasion of 1975, is the largest of the remaining colonial Territories on the General Assembly's list of Non-Self-Governing Territories to which General Assembly resolutions 1514 (XV) and 1541 (XV) are fully applicable.

The right of the people of East Timor to self-determination is beyond any question. The Indonesian invasion led the United Nations General Assembly and the Security Council to adopt several resolutions, such as Security Council resolution 384 (1975) of 22 December 1975, condemning the invasion and calling upon Indonesia to withdraw its forces without delay from East Timor, and reaffirming the right to self-determination of the people of East Timor. Given the East-West tensions prevailing at that time, this resolution was outstanding in itself.

(Mr. Amorim Dias)

For 18 years, Indonesia has contemptuously ignored its international obligations, attempting to deceive the world as to the situation in East Timor after its illegal invasion and annexation of the territory. For 18 years, the Maubere people of East Timor have suffered under Indonesia's reign of terror, characterized by massive killings, intimidation, plunder of local wealth and resources, exclusion of the East Timorese from meaningful participation in government, physical and cultural genocide, influx of outside settlers who exacerbate the process of marginalization of the local population and so on. Our people have continued waging a resistance struggle for freedom and independence of our homeland, against the barbarous brutality of the occupiers. The cost in human suffering has been enormous.

Far from heeding international calls to withdraw its forces, or allowing our people to exercise their right to self-determination, Indonesia has attempted to consolidate its military presence in East Timor, forcibly incorporating the territory it calls its "twenty-seventh province".

The consistent and systematic violations of human rights which have followed Indonesia's interference in the process of decolonization being carried out by Portugal in 1975 have been well documented. Organizations such as Amnesty International, Asia Watch and many others have repeatedly published detailed accounts of these abuses.

On 12 November 1991 the world was shocked by reports of the massacre of over 200 unarmed East Timorese youth at the Santa Cruz cemetery in Dili by the Indonesian military. This sad event - which we know not to have been an "isolated incident" as Indonesia attempted to claim after being forced to acknowledge it - was but one of the many brutal acts of State-sanctioned murder against a defenseless civilian population which the East Timorese have been forced to endure by Indonesia.

(Mr. Amorim Dias)

Last March the United Nations Human Rights Commission adopted a strong resolution condemning Indonesian human rights violations in East Timor and calling for greater United Nations involvement in the conflict there.

Recently the mock trial of Commander Xanana Gusmao incited further international criticism. Our leader, who has repeatedly tried to engage Indonesia in the search for a negotiated settlement of the East Timor problem, has been treated in a totally unacceptable manner. At first, crude attempts were made by Indonesia to make him appear to have betrayed the ideals he has so courageously fought for during the last 18 years. Then, a political show trial by a court which had no jurisdiction to try him at all was orchestrated. The trial was denounced for violations of even Indonesian legal procedure, such as the judge's refusal to allow the defendant to read most of his defense statement aloud in court. However, the statement was smuggled out of Indonesia, and I will refer to it below.

Commander Xanana Gusmao has been kept incommunicado since the court passed its sentence of life imprisonment on 21 May, and no one, not even the International Committee of the Red Cross (ICRC), has been given proper access to him. Resistance sources inside East Timor inform us that he is in bad health, is being kept in isolation in totally sub-standard conditions, and is being tortured.

One month ago, the ICRC was finally forced to suspend its visits to prisoners because of obstacles placed in its way by the Indonesian military, despite "assurances" from Indonesia's President Soeharto that its work in East Timor would not be impeded.

Two weeks ago, the plight of East Timorese youth made headlines all over the world when seven persecuted students attempted to seek protection and

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assistance in leaving Indoresia from two foreign embassies in Jakarta. Last week, 43 United States senators wrote a letter to President Clinton expressing concern over continuing widespread human rights abuses in East Timor, asking for greater access to East Timor for international humanitarian organizations and advocating "serious negotations" at the United Nations that might alter the unacceptable status quo. Those negotiations would seek to establish the right of self-determination for the East Timorese people. The senators stressed the long friendship existing between their country and Indonesia, and expressed the belief that an acceptable solution of the East Timor problem would be in Indonesia's lorg-term interest. We fully share that view.

In his defense statement, which the Indonesian judge did not allow him to read out in court, Commander Xanana Gusmao made several very pertinent points which I would like to repeat:

First, Xanana Gusmao stated:

> "The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, in which the decolonization norms of the United Nations have been manipulated, in which Indonesia has disregarded a United Nations resolution; it is therefore a case of flagrant violation of the principles of the non-aligned movement and of universal standards of law, peace and justice."

Referring to the farcical trial to which he has been subjected, Xanana states:

> "This court claims that it is trying me for crimes committed against the Indonesian state and for the illegal possession of firearms ... The ones who should be standing before an international court are, in the first place, the Indonesian Government for crimes committed in the past

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17 years in East Timor; the United States Administration, which gave the green light to the invasion on 7 December 1975 and has since given military aid and political support to Indonesia's genocide in East Timor; the Governments of Australia and Western Europe for their policy of complicity with Indonesia; and finally, the Portuguese Government for its grave responsibility in the decolonization of East Timor.

"The United Nations recognizes as legitimate all means of opposition to the colonial presence in any part of the world where people are fighting for liberation. My struggle and the resistance of my people and of Falintil - the armed forces of the East Timorese resistance movement, the CNRM - should be placed in this context, standing above Indonesian law."

Referring to Indonesia's battered argument that it intervened in East Timor in 1975 in response to a call by East Timorese fearful of Fretilin domination, and that the subsequent annexation of the Territory was in response to the will of the people, Xanana Gusmao stated:

"This court must surely agree with me that it went too far in saying that Fretilin 'dared to impose its will on the people' and that the aforementioned Bali Beach proclamation expressed the genuine will of the people of East Timor. The court ommitted the political element which would have given it the juridical validity on which everyone insists: representation of the will of the majority of the people. This is the conditio sine qua non.

"To this very day the United Nations does not recognize Indonesian sovereignty over East Timor, a sovereignty which was imposed by force, violence, and the systematic violation of the most fundamental human rights.

(Mr. Amorim Dias)

"This court mentioned the date 17 December 1975 as the day of the formation of a provisional government and a local assembly. And since all the Indonesians have forgotten, it is my duty to recall here the tragic day, 7 December of that same year: 7 December 1975, which witnessed the cowardly and shameful Indonesian invasion, the day on which Indonesian troops indiscriminately massacred the defenceless population of Dili, causing thousands of deaths among the elderly, women and children, and including an Australian journalist.

"While the Balibo statement was signed with the blood of four Australian journalists who were murdered by Indonesian troops during the attack on the village of Balibo, the so-called Indonesian provisional government was formed over the corpses of the Timorese massacred between 7 and 17 December of that year.

"...

"A government which was established to the accompaniment of the sound of the sea and land shelling of the defenceless population, to the sound of advancing tanks and cannons: can such a government claim any juridical standing? In my opinion it has the same standing as the advance of the Iraqi troops in Kuwait, the same dimension as the advance of Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia."

In his defence plea, our Commander Xanana then added:

"The court said that FRETILIN was opposed to the referendum should the people choose integration. However, quoting the so-called petition, the court mentioned that Arnaldo de Araujo, Guilherme Goncalves and the President, General Soeharto, convinced Parliament to approve in haste integration without any referendum.

(Mr. Amorim Dias)

"After all, who was it that did not want a referendum, FRETILIN or Indonesia? On behalf of which people was that so-called petition signed?

"Today, the Indonesian Government can show the world its de facto control of the Territory; it claims to be developing the Territory which it is occupying while at the same time condemning one who was not able to do this, namely Portugal. Is it that, because Portugal failed to develop East Timor for 400 years, we Timorese have had to pay for the errors of one colonizer while also paying for the crimes of the other colonizer?"

On this point, Xanana concluded that,

"I have been lectured a lot [since my capture] about the backwardness of Portuguese colonialism, as if I had not lived under that colonialism. They want to show me development in East Timor, as if this were just a matter of statistics to be compared with the Portuguese colonial period. I would ask whether colonialism can be qualified as good or bad."

Events of recent years in Eastern Europe, Africa and elsewhere are shaping a new world order which upholds the human right of self-determination. Greenland, Slovenia, Eritrea, Namibia, the Baltic States, the peaceful division of Czechoslovakia and the establishment of a federation in Belgium are examples of the implementation of that right overcoming potential and actual conflicts and helping bring peace and stability to the world.

Allow me to appeal to our Indonesian brothers to seek inspiration in this reality. Rather than persevering in their attempted subjugation of our people and resorting to elaborate forms of deceit, violence, torture and killing,

(Mr. Amorim Dias)

they should give us the freedom and peace our people love and justly aspire to. In doing so, Indonesia would only gain. It would regain the respect of the international community and would benefit from peaceful and cooperative relations in our region of the world. Indonesia's military leaders have fallen prey to their own myths. If treated justly, we will never represent a factor threatening Indonesian security.

It is the unjust criminal policies of oppression and defiance of international norms of behaviour of the Indonesian military rulers which are the true threats to Indonesian security.

For several years, Commander Xanana Gusmao has been an advocate of the search for a peaceful and just solution for the East Timor problem. He has proposed direct talks with Indonesia under United Nations auspices, without preconditions, in order to explore all possible ideas for bringing an end to the conflict. This remains the basic stand of the resistance, and has also been formally conveyed to the Secretary-General by Portugal, the administering Power of East Timor.

In this connection, Xanana said in his defence statement:

> "On the day of my capture, in the meeting I had with General Try Sutrisno, I mentioned the question of dialogue with representatives of the people of East Timor. One of the 20 generals who were present and who were congratulating each other on the imminence of their easy victory, asked me furiously, 'Rakyat mana?' - 'What people?' - and when I answered, 'Let's have a referendum', the Indonesian generals had to swallow their own arrogance. The next day, 21 November - I was already in Denpasar - when the wife of the local panglima, or military commander, surprised by the extent of the support I had, said, 'After

(Mr. Amorim Dias)

all, many people support him', a high-ranking officer said, 'Possibly all the people of East Timor'.

"...

"The ambassador to the United Nations told me, 'The problem is that dialogue as it is conceived by us, and therefore by Jakarta, has its parameters. We do not accept a referendum'.

"...

"In 1983, during the cease-fire, [the two Indonesian majors] told us clearly, 'We do not accept a referendum because we know that all the people belong to FRETILIN'."

Xanana concluded,

"In the United Nations, Jakarta cannot suppress the fact that Portugal is an interested party in the solution of the problem. And so Jakarta should also never forget that the Maubere people - the people of East Timor - have already demonstrated that the idea, the objective for which they have fought and resisted to this day, can never die. People die, but ideas stay alive.

"...

"I continue to recall the need for dialogue, with the participation of the East Timorese. I have always said to all those who wanted to listen to me that the Maubere people do not like the word pembangunan - development. The problem is that it is not free. Freedom is what my people value; it is the aim of their struggle. Dom Ximenes Belo [the Bishop of East Timor] put it very clearly when he wrote to the United Nations Secretary-General, 'We are dying as a people and as a nation'."

(Mr. Amorim Dias)

Consistent with what I have said, CNRM's special representative José Ramos Horta presented a comprehensive peace proposal to the European Parliament in Brussels in April 1992, to the Council on Foreign Relations in New York in May 1992 and later to the United Nations.

That peace proposal has three phases. Phase one, which would last for about two years, would involve all three parties working with the United Nations to implement a wide range of confidence-building measures. Those measures would necessarily include a drastic scaling down of the presence of Indonesian troops and weaponry in East Timor, together with the introduction of a significant United Nations presence in the Territory.

Phase two, lasting between 5 and 10 years, would be a period of genuine political autonomy under United Nations supervision and based on ample powers vested in a local, democratically elected people's assembly.

Phase three, the final phase, would see a referendum to determine the final status of the Territory

(Mr. Amorim Dias)

José Ramos Horta said when presenting this plan:

"This is our policy and remains valid. We believe that this represents the best possible prescription for a resolution of the conflict. It allows time for a cooling-off period in which all sides should try to prove their good faith. It will also allow Indonesia to save face.

"Indonesia should seize the olive branch we are now offering. It has only to gain. It is obvious now that the invasion of East Timor was a colossal mistake: the occupation has sapped so much of Indonesia's energy and resources. If Indonesia withdraws from East Timor, it will be able to regain its international reputation as a peace-loving country and not be threatening to its smaller neighbours. Moreover, an independent East Timor will be an asset for Indonesia, for ASEAN and the whole region in many ways."

To conclude, I would like to express our hope that these recommendations may be of help in resolving the colonial status of East Timor. East Timor, among the last remnants of colonialism in our region, has been a particularly tragic case. It is a painful paradox in so far as the new colonial Power was itself a victim of earlier forms of colonialism. Yet, as a result of the excesses of its armed forces, it has violated the arguments which it itself advanced at the time it sought the support of the international community for its freedom struggle.

Our leader, Xanana Gusmao, included the following appeals in his defence statement:

"I appeal to the international community to understand that it is time to show that the new world order is about to begin. This requires acts that will bring to an end the situation inherited from the past.

(Mr. Amorim Dias)

"I appeal to the Secretary-General of the United Nations to ensure that the solution he seeks for East Timor is based on universal principles and international law.

"I appeal to the Government of Indonesia to change its attitude and to realize that the moment has come to understand the essence of the struggle in East Timor."

In closing, I would also like to appeal to the members of this Committee to persuade Indonesia to accept a dialogue with Portugal and the East Timorese in the search for an internationally acceptable solution along the lines suggested by the CNRM Special Representative. It is time for the Indonesian Government to realize that it is not East Timor which is a threat, but Indonesia's past misguided policies towards us which do the greatest damage to its interests and need urgently to be changed.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Dan Heap (Canadian Parliamentarians for East Timor) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Heap.

Mr. HEAP (Canadian Parliamentarians for East Timor): It is an honour to be asked to address the Special Committee on decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade. I am glad to be able to speak on behalf of Canadian Parliamentarians for East Timor. I also thank the Committee for its kindness in accommodating my schedule.

I am the fourth Member of the Canadian Parliament to testify before this Committee concerning East Timor. Previously, members of Parliamentarians for East Timor from all three major Canadian political parties have testified. This is evidence that parliamentarians from across the political spectrum are

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deeply concerned about the plight of East Timor. Unfortunately, the Conservative Government of Canada has not done all it could to help the people of East Timor. Canada is one of the States whose Government has traditionally helped the Indonesian Government and ignored East Timor. Parliamentarians for East Timor hope to help change that.

I do not intend to repeat the testimony of other witnesses or to speak at length about the suffering that goes on in East Timor every day under the brutal rule of the Indonesian armed forces. Suffice it to say that East Timor is living under a dictatorship, with the armed forces calling the shots. Not even Indonesian civilians - let alone East Timorese civilians - have any influence in East Timor. Our friends in Amnesty International and priests in the Catholic Church of East Timor tell us that close to one out of every three East Timorese has died since Indonesia invaded their homeland - a death toll that verges on genocide. Torture, arbitrary arrests, disappearances and the rape of Timorese women remain commonplace.

East Timor is still a colony. All that has been changed is the name of the foreign ruler. The colonialism being practised by Indonesia's military-dominated regime is even more brutal than the Portuguese colonial regime that ruled East Timor before 1975. Portugal finally agreed to allow East Timor to exercise its right to self-determination. Before that right could be exercised, however, the Indonesian armed forces invaded.

Indonesia has refused to recognize East Timor's right to self-determination. Its invasion of East Timor recalls Iraq's invasion of Kuwait. In that case the international community rejected the claim that Kuwait had asked to be annexed and demanded the withdrawal of Iraqi forces. And yet the crimes committed by the Iraqi dictatorship in Kuwait pale in

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comparison with those committed by the Indonesian dictatorship in East Timor. As Montreal's The Gazette noted in an editorial:

"The only difference is that East Timor is Indonesia's twenty-seventh province, while Kuwait is only Iraq's nineteenth."

It is time for this sort of international double standard to end.

Bishop Belo, the leader of East Timor's Catholic Church, says that the East Timorese are dying as a people and as a nation under Indonesian rule. In 1989 he privately asked the United Nations to hold a referendum that would offer East Timor the choice between independence and integration into Indonesia. It is a stain upon the record of the United Nations that the Bishop's letter was not acted upon. I sincerely hope that stain can be removed by the members of this Committee without further delay.

(Mr. Heap)

After all, if the people of East Timor really do want to be part of Indonesia, what does the Indonesian regime have to lose by letting them vote freely?

Canadian Parliamentarians for East Timor is pleased that the Government of Canada was one of those that joined in sponsoring the recent successful resolution of the United Nations Commission on Human Rights, which called on the Indonesian regime to end the gross violations of human rights in East Timor. We also note that the resolution called for the release of the report written by Mr. Amos Wako of Kenya about his recent visit to East Timor, and we are saddened that the report is still not public and that the Indonesian armed forces continue to violate human rights with impunity in East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

East Timor is the largest Territory left on the agenda of this Committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

I hope this Committee will pay special attention to the case of Xanana Gusmao, the leader of East Timor's resistance movement, the National Council of Maubere Resistance (CNRM). Xanana was sentenced to life imprisonment in May, after a trial that made a mockery of justice. The trial even violated Indonesia's own judicial code. Now the armed forces are denying the International Committee of the Red Cross normal access to Xanana and other political prisoners in East Timor. Xanana's stature among his people is comparable to that of Nelson Mandela in South Africa and Rigoberta Menchú in

(Mr. Heap)

Guatemala. In fact, both these leaders have called on the Indonesian regime to free Xanana immediately.

The consitutency I represent in downtown Toronto, Canada, includes tens of thousands of Portuguese-speaking Canadians, many of whom spent time in East Timor before the Indonesian invasion. The Portuguese-Canadian community is very concerned about the Territory. The first resolution passed by the newly formed Portuguese-Canadian National Congress this spring was one in support of the people of East Timor.

Many other sectors of Canadian society are becoming more and more concerned about East Timor. For instance, the Canadian Labour Congress, representing 2.5 million members, recently issued a statement in support of self-determination for East Timor and promised to work towards this goal along with the International Confederation of Free Trade Unions.

There is growing concern about East Timor in Canada, and the same is true in other countries, not only in North America and Europe but also on other continents. In one of the preparatory meetings of the World Conference on Human Rights, over 100 non-governmental organizations from Asia demanded that East Timor be freed from Indonesian rule. Meanwhile, the Governments of these countries continue to back the Indonesian position. I respectfully suggest that it is the non-governmental organizations that may represent the real views of most of the people in their countries, and I ask you to listen to the voices of these people and not only the voices of their Governments.

East Timor is not just about lines on a map. It is about a people that have been systematically denied their rights as human beings and citizens of the world community.

I have been personally touched by the stories of young East Timorese whom I have met. The fact that the youth of East Timor is still fighting for

(Mr. Heap)

independence shows that the people have not accepted Indonesian rule and are not about to accept it. Their continuing resistance recalls the brave young Palestinians that refuse to accept the rule of Israel.

This May I met Constancio Pinto, a young East Timorese who was forced to flee from his homeland last year. Constancio organized a peaceful demonstration in November 1991 which was ended by a hail of bullets fired by Indonesian soldiers. This massacre gained some short-lived international attention, and my own country even froze the amount of aid it gives to Indonesia in protest, an aid-freeze that still remains in place. This Committee heard extensive testimony about that massacre at last summer's session. Parliamentarians for East Timor and the East Timor Alert Network of Canada sent Li-lien Gibbons, whose brother was one of the victims, to speak to the Committee.

In a democratic country, Constancio would have been left in peace to mourn the deaths of his friends. Instead, he was arrested and eventually fled from Indonesia to avoid trial for subversion. While he was in North America, his wife was being interrogated in East Timor. But Constancio felt so strongly about his people's right to self-determination that he continued to speak out.

Another young East Timorese man is Abé Soares, who lives in the constitutency of Trinity Spadina, which I represent. Abé grew up under Indonesian rule and even attended university in Indonesia. But he never stopped believing in a free East Timor. In March he went before the United Nations Commission on Human Rights in Geneva and pleaded eloquently for international action. Abé told the Human Rights Commission that the people of East Timor, who have no voice of their own, were looking to the international community to help them. The Human Rights Commission listened to him and

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others carrying the same message, and it adopted a strong resolution condemning the Indonesian Government for many specific human rights violations and, in particular, the massacre of 12 November 1991 in Dili.

I ask the Committee also to listen to the Timorese voices that are pleading for their rights. The Special Committee on decolonization has an opportunity today to take a step towards freedom for another colonized Territory. I hope that the Committee will take that step and end the suffering of the East Timorese people.

The CHAIRMAN: Are there any questions from members of the Committee?

Mr. VISWANATHAN (India): I should like to thank the Member of the Canadian Parliament for taking the time to speak to us.

I should like to ask him a simple question: how long have the Members of the Canadian Parliament been taking an interest in this issue and coming to the Committee? Has it been for a long time, or have they espoused this issue only in recent times?

Mr. HEAP (Canadian Parliamentarians for East Timor): I became a Member of the Parliament in 1981. Certainly since 1982 or 1983 Members of the Canadian Parliament have spoken with supporters and representatives of the people of East Timor and have raised this matter in the Canadian Parliament during question period.

I believe that it is about four or five years now since the Canadian group of Parliamentarians for East Timor became organized. As I mentioned, I am the fourth Member of the Canadian Parliament to address the Committee on the subject.

Mr. ARDHAOUI (Tunisia) (interpretation from French): Having listened attentively to the statement by the Canadian Member of Parliament, I too have a question to put to him: are Canadian parliamentarians and the Canadian Parliament in general interested in all the oppressed peoples of the Earth wherever they may be - South Africa, Palestine or Bosnia - or are they interested only in the oppressed people of East Timor?

Mr. HEAP (Canadian Parliamentarians for East Timor): The Canadian Parliament has been a forum for the discussion of many situations and struggles of oppressed peoples around the world.

We have taken the position represented publicly by our former Prime Minister, the Right Honourable Brian Mulroney, regarding the need to end apartheid in South Africa, and Canada has been and is an active member of the

(Mr. Heap)

group of nations conducting sanctions against the South African Government until such time as apartheid is ended.

We have also from time to time discussed problems in Central America, particularly in El Salvador and Guatemala. I myself have often raised those questions in our Parliament.

We have raised questions about Peru, and about Chile during the dictatorship of Augusto Pinochet.

We have raised questions about many countries, particularly because many people have come to Canada during the last 15 years or more as refugees from oppression in many countries, and they have brought direct and often fresh news of the events there.

Having been for 12 years the spokesperson for my party, the New Democratic Party, on questions of immigration and of refugees, I have had many occasions to hear the stories told by those refugees, to check them with Amnesty International and other human-rights-watch groups, and to raise some of those questions with my fellow Members of Parliament.

During the Gulf War, our party, the New Democratic Party, voted unanimously in opposition to Canada's participation because we felt that it was unjust to single out only that issue for United Nations action when so many others were not being dealt with.

We spoke specifically about East Timor, and made the comparison between East Timor and Kuwait to which I referred in my remarks. The matter has been raised in our committee on human rights, which is a subcommittee of our Committee on external affairs, particularly by Mr. Sven Robinson, our party spokesperson on international affairs.

(Mr. Heap)

As a small party, we have not been able to address fully all the situations in the world, but we certainly aim to try to support movements for justice.

The Canadian Government has sent Canadian troops for peace-keeping into Bosnia, as it has to many other places, beginning with Suez decades ago, with the purpose of trying to help resolve the conflicts there.

East Timor is one of the situations that Canadian parliamentarians are very concerned with.

Mr. VISWANATHAN (India): East Timor is one of the 17 Territories dealt with by this Committee. Will Canadian Members of Parliament be making statements on other Territories? Do they take an interest in other issues also?

Mr. HEAP (Canadian Parliamentarians for East Timor): Since the Canadian Parliament is not now in session, and has not been for the past month, and may not be in session before the election that may be called in the fall, the Members of Parliament are fairly dispersed, and I am not able to say whether any Members of Parliament will be here to speak on some of these other issues.

The CHAIRMAN: I should like to inform Mr. Heap that, if he wishes, he can obtain information on other Non-Self-Governing Territories from the secretariat.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Charles A. Scheiner, East Timor Action Network/United States, took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Scheiner.

Mr. SCHEINER: My name is Charles Scheiner, and I coordinate the East Timor Action Network/United States. We appreciate the opportunity to speak with you today and your continued attention to East Timor.

Because there are many knowledgeable petitioners with a wide range of information, we will not spend time describing the urgent situation in East Timor. Rather, we would like to inform the Committee about relevant developments in the United States during the past year. Since the United States Government has supported the Indonesian invasion and occupation of East Timor since 1975, we hope that the changes in United States policy herald change in the policy of the Indonesian Government and in the ability of the United Nations to act to resolve this blot on the world's conscience.

The East Timor Action Network was formed at the beginning of 1992. In our 18 months of grass-roots work to increase Americans' knowledge of the crimes in East Timor and of our Government's role in that 18-year-long atrocity, we have seen a tremendous increase in awareness and energy among the American people. And that energy has begun to change American policy. Both the United States and Indonesian Governments have a long way to go to compensate for their criminal responsibility for the genocide of the Timorese people, but, at least in my country, the motion is in the right direction.

Last October, the United States Congress terminated military aid to Indonesia, overriding the active efforts of the Bush Administration, the Indonesian Government and corporations coerced by Indonesia into lobbying to maintain the aid. The IMET programme, under which Indonesian military officers came to the United States for training, was cancelled in direct response to the ongoing repression of the East Timorese people, as exemplified by the Santa Cruz massacre of 12 November 1991.

(Mr. Scheiner)

Recently, Indonesia has attempted to purchase the same military training it used to receive as aid. On 30 June 1993, Senator Patrick Leahy, Chairman of the Foreign Operations Subcommittee, and Senator Claiborne Pell, Chairman of the Foreign Relations Committee, wrote to Secretary of State Warren Christopher:

"We were encouraged by your comments earlier this year that the situation in East Timor deserves a 'fresh look'. We also commend the Administration for supporting the March 1993 resolution in the United Nations Human Rights Commission which urged the Indonesian Government to address the continuing human rights problems.

"We are therefore disturbed to learn that the Indonesian Government is planning to purchase military education courses through the FMS (Foreign Military Sales) programme. When the Congress took the extraordinary step of cutting off IMET assistance last year, it was not only to deny the Indonesian armed forces access to United States taxpayer aid; it was to send a strong message that the Indonesian Government should take decisive steps to deter further human rights abuses. The need for that message has not diminished. Any decision by the administration to license sales of military education would be directly contrary to the intent of Congress."

As the Senators mentioned, the United States Government did reverse its position at the United Nations Commission on Human Rights in Geneva last March and co-sponsored the resolution on East Timor. This is a significant change in United States policy, and we expect it to continue. We hope that the United Nations implements that resolution and that Indonesia complies with the overwhelming vote of the Commission and allows the Special Rapporteurs to carry out their missions.

(Mr. Scheiner)

In another area, the United States Trade Representative recently announced that Indonesia has until next February to improve its labour and human rights record or face suspension of tariff privileges under the Generalized System of Preferences. Although the issues involved are broader than East Timor, sensitivity to the ongoing violations of the rights of the people of East Timor played an important part in the Administration's decision.

For many years, the United States has been Indonesia's principal weapons supplier, but this too is beginning to change. Eight months ago, Indonesia and Jordan filed a request for Indonesia to buy four F-5E supersonic jet fighter planes from Jordan. The United States State Department is holding up approval because of public and Congressional concern about East Timor. As several Senators wrote to President Clinton:

> "It would indeed be inconsistent for the United States to cut off military aid on the one hand and approve a third-party arms transfer to Indonesia on the other. ...
>
> "Therefore, we urge you to stand firm in support of East Timor, and to reject any consideration of the sale of F-5E fighter jets from Jordan to Indonesia at this time. If this reported third-party arms sale were to be approved, it would undermine not only the Administration's laudatory commitment to human rights, but also its evolving policies on non-proliferation of conventional arms in the South Pacific region."

Many petitioners today will discuss the gross violations of human rights, of legal principles and of common sense in the staged farce dubbed "The Trial of Xanana Gusmao". I am appending translated excerpts from Mr. Gusmao's defense plea to my statement, but I will not take your time by reading them. I hope that you will include them in the official record of this proceeding,

(Mr. Scheiner)

either as part of my statement or if another petition asks for them. Mr. Gusmao, of course, speaks for the people of East Timor better than anyone else. Although the court and the Indonesian people were prevented from hearing his words, they reverberate around the world and inside our collective consciences.

Senator Pell, Chairman of the Foreign Relations Committee, included Mr. Gusmao's speech in the Congressional Record of 24 May 1993. In his introduction, Senator Pell stressed the crucial role of the United Nations:

"In his defense statement, Mr. Gusmao proposes negotiations on the East Timor issue take place between Indonesia and the East Timorese under the auspices of the United Nations. Talks are already occurring intermittently between Indonesia and Portugal, East Timor's former colonial rulers. However, despite Portuguese requests, the Indonesians have never permitted the East Timorese, representing independent political groups, to participate in them. It is my view that a resolution of this conflict can only take place if all sides participate under the guidance of the United Nations Secretary-General. ...

"Mr. President, by its actions, the Indonesian Government ensures that the issue of East Timor will not disappear. I have been to Indonesia. I have been impressed by the diligent efforts of the Indonesian people to develop. They have prospered, and it is true that they have provided some of their prosperity to the East Timorese people to assist their development. Indonesia has done much to add to South-East Asia's prosperity, aiding most recently United Nations efforts to bring peace to Cambodia. But all of Indonesia's good works are easily undone in the eyes of the international community when killings,

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intimidation and the ruthless suppression of peaceful dissenters takes place in East Timor. Indonesia does itself a disservice by its actions in East Timor. It would do itself an immeasurable service by recognizing that the East Timorese also have the right to determine peacefully their own future."

I should like to call the Committee's attention to the discussions between President Clinton and President Suharto in Tokyo less than one week ago. The two leaders spent one-fourth of their time discussing human rights issues, particularly East Timor. This is the first time that an American leader has raised East Timor directly with the President of Indonesia. Mr. Clinton was responsing to the expressed views of 43 members of the United States Senate, who wrote:

"We believe that the United States should review its policy on East Timor with an eye toward facilitating serious negotiations at the United Nations that might alter the unacceptable status quo. These negotiations would be in pursuit of the right of self-determination of the East Timorese people, a course of action which the Senate supported in a resolution passed on November 21, 1991. These negotiations would also include East Timorese representatives as well as Indonesia and Portugal, the other diplomatic parties to the conflict. We believe that the United States should work with its allies in Asia and elsewhere to convince Jakarta by diplomatic means that it is not in Indonesia's long-term interest to pursue the policies it has followed in East Timor since 1975."

(Mr. Scheiner)

Last year, President Clinton called previous United States policy on East Timor "unconscionable". A few months ago, Vice-President Albert Gore called the occupation

> "an outrage that has been committed against the people of East Timor by the Government of Indonesia. The history of the conflict there is long and complex, but the essence of the injustice is starkly simple: unarmed, innocent people in their homeland have been killed, and imprisoned, and mistreated".

Those statements and the actions described above indicate that United States policy has changed. Much remains to be done, but the motion is finally in the right direction.

We hope that the change of direction is also reflected at the United Nations - and, of course, in Jakarta. The East Timorese people have suffered, died and struggled for 18 years against Indonesian repression, and for years before that against Portuguese colonization. It is long past time for the international community to put action behind its paper principles and come to the support of that people.

We would be remiss if we did not express our concern regarding the recent seminar held at Port Moresby and the limitations placed on participation by representatives of the Pacific Concerns Resource Centre and the National Council of Maubere Resistance. If this Committee is to carry out its mandate, it needs information from all people in the region, especially those not represented by Governments. We hope that what happened there was simply an administrative mistake and does not indicate a change in the approach of the

(Mr. Scheiner)

Special Committee. We are more encourged by today's proceedings, where anyone with relevant input is welcome to participate. I hope that today remains the norm for the Committee's procedures.

In closing, I would like to call the Committee's attention to an editorial which was printed in the Washington Post last Friday; I shall read out the final paragraph.

"A raw colonial impulse is usually given as the source of Indonesia's intent to keep East Timor down. It may also matter that this archipelago of ethnically diverse islands is wary of setting a precedent for other separatist movements. But neither Indonesia's imperial pride or its political convenience requires the 600,000 remaining East Timorese to forfeit their United Nations-endorsed right of self-determination. No doubt Indonesia can carry the international costs of holding on to East Timor, even if the Clinton Administration adds to them. But why would a nation aspiring to modernisation and a major Pacific role want to burden itself so? President Soeharto could leave his country a rich legacy by accepting the process for Timorese self-determination that the United Nations stands ready to arrange."

The CHAIRMAN: Does any member wish to put questions to Mr. Scheiner?

Mr. VISWANATHAN (India): I want to thank Mr. Scheiner for the lecture he gave us about United States policies towards Indonesia regarding human rights and various other issues. Would he care to tell us also the position of the same actors, the Washington Post and so on when East Timor was a colony of Portugal? Did they take an interest at that time, or is their interest only a recent one.

(Mr. Viswanathan, India)

I find that the various organizations from developed countries take selective interest in publicizing certain issues while conveniently forgetting other issues involving the developed countries.

It is in that context that I want to know whether Mr. Scheiner and the people he represents have taken a consistent interest in this issue.

The CHAIRMAN: Mr. Scheiner may reply if he so wishes.

Mr. SCHEINER: I thank the representative of India for his question. I cannot speak for all the people involved in my organization, but many of us were concerned about what was happening under Portuguese colonization. But I think the driving reason that many of us are focusing specifically on East Timor under Indonesian colonization is the involvement of our Government - the United States Government - in perpetrating that colonization: the fact that our President and our Secretary of State were visiting President Soeharto the day before Indonesia invaded East Timor; the fact that it was United States-supplied OV-10 Bronco aircraft and M-16 rifles that were responsible for the deaths of many of the 200,000 people who have been killed in East Timor.

Speaking personally, I have also been very concerned when my Government has been complicit in the killing of people in Nicaragua, in El Salvador, in Iraq, in Viet Nam and in other places around the world where my Government has acted in my name but without any morals.

The CHAIRMAN: I would like to inform Mr. Scheiner that no limitations were placed on the organizations to which he referred in his statement at the Pacific Regional Seminar on decolonization. They were allowed full participation in the Seminar.

Mr. SCHEINER: I must, then, have had incorrect information on that point.

Mr. Scheiner withdrew.

At the invitation of the Chairman, Ms. Carmel Budiarjo (The Indonesia Human Rights Campaign (TAPOL)) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Budiarjo.

Ms. BUDIARJO: The Indonesia Human Rights Campaign (TAPOL) is grateful for this opportunity to present a submission. We as an organization follow events in East Timor closely and consider it our duty to inform the Committee, in particular, about the character of Indonesian military rule and conduct in East Timor.

Recent visitors to East Timor confirm that the country bears all the hallmarks of an occupied territory. The most striking feature is the deep-felt resentment of Timorese for Indonesians. The Timorese now feel like foreigners in their own country. The Indonesian military operation currently under way has only aggravated the situation.

I shall now refer to the army operation in East Timor. The present military operation is called Operasi Tuntas, which means roughly "Operation Once-and-for-all". While previous operations focused on hunting down guerrillas in the mountains, Operasi Tuntas is directed primarily at stamping out clandestine resistance in the towns and is described as a "territorial operation".

A territorial operation deploys large numbers of troops to saturate populated areas, with the objective of crushing all forms of resistance. The overwhelming presence of troops has further intensified the people's fears of

(Ms. Budiarjo)

the occupier. Central to the purpose of Operasi Tuntas, according to the military commander, Brigadier-General - now Major-General - Theo Syafei, and the Indonesian puppet Governor, Abilio Osorio Soares, is to deal with so-called two-faced Timorese: that is to say, people working in and with the administration but who are themselves involved in or sympathetic to the struggle for independence.

The new military strategy was designed by Major-General Syafei, who took over command in East Timor in January 1992, soon after the Santa Cruz bloodbath. In contrast to his predecessor, Brigadier-General Warouw, who adopted a hearts-and-minds approach, General Syafei returned with a vengeance to the unrelenting security approach. Brigadier-General Warouw became a scapegoat because his so-called softly-softly approach had allegedly encouraged young East Timorese to take to the streets on an unprecedented scale on 12 November 1991. Not surprisingly, General Warouw was recently discharged from the army.

(Ms. Budiardjo)

Major-General Theo Syafei has pursued a different course. With many years of experience in East Timor, he distrusts all Timorese and knows that the vast majority harbours deep grudges against the Indonesian occupiers. He knows that it is not enough to wipe out armed resistance and destroy the clandestine youth organizations. If the back of the resistance is to be broken, the Indonesian administrative apparatus in East Timor must be thoroughly "cleansed" - that is the word they use. He many have decided to avoid doing this in one massive clean-up operation, but spies and "intel" - meaning intelligence - agents are watching people everywhere, adding to the fear aroused by uniformed and well-armed soldiers.

For years, my organization has concentrated on examining the military structures in East Timor. We return to this topic again this year. More than a year ago, Major-General Theo Syafei announced that Kolakops, the special operational command in East Timor, would be dissolved. This was portrayed as a shift away from special military operations in East Timor. In fact, it is nothing of the kind. After several postponements, Kolakops was disbanded in April this year, but not until Major-General Syafei had been appointed military commander of the Udayana-IXth military command in Bali, the regional military command which incorporates East Timor. At the same time, the first assistant for intelligence in Bali took command of Korem 164-Wira Dharma, which is the subregional military command in Dili. Unlike previous Udayana commanders, Major-General Syafei in Bali has continued to exercise direct personal control of the situation in East Timor. Today, the selfsame officer is still commanding operations in the occupied Territory, but he now holds a more senior and more powerful post than hitherto. With Major-General Syafei now running the show from Bali, Kolakops became redundant.

(Ms. Budiardjo)

A large number of troops from all parts of Indonesia do tours of duty in East Timor. The Major-General has spoken about a shift of emphasis from combat to territorial troops, but for the inhabitants of any Timorese village saturated with troops, it makes no difference what they are. The Major-General also insists that territorial troops are engaged in so-called development - building roads and bridges and teaching the Timorese how to grow food. This is the arrogant, so-called civilizing mission of the colonizer throughout the ages. At the same time, army intelligence agents are everywhere, creating splits and mistrust among Timorese.

Operasi Tuntas is Indonesia's version of the notorious low-intensity conflict strategy, a key dimension of which is taking reprisals against the defenceless population whenever resistance activities occur. Psychological warfare aims at breaking the morale of the population. Events in East Timor since the beginning of this year have provided many grotesque examples. Within days of the arrest of the resistance leader Xanana Gusmao last November, he was presented on television and in the press as a compliant captive, full of repentance for having led the resistance for so long. Military intelligence went even further: Xanana Gusmao, symbol of resistance for the East Timorese people, was portrayed as a sex fiend, an alcoholic, even a rapist.

Psychological warfare has also taken the form of desecrating East Timorese traditional oath-taking, which involves the drinking of blood from both sides in a dispute as an act of reconciliation, swearing mutual allegiance, or an act of surrender. Local military commanders in East Timor have staged bogus blood-drinking ceremonies to demoralize the East Timorese and to try to persuade the international community that resistance to Indonesian rule has ended.

(Ms. Budiardjo)

I should now like to turn to the question of the International Committee of the Red Cross (ICRC) and the difficulties it is now confronting in East Timor. There is a problem of access for outside observers and the ICRC in particular has encountered obstructions in East Timor because of the blatant and unwarranted interference of the army in its programme of prison visits. The ICRC is not in the habit of making public pronouncements about its relations with host Governments. That it has been compelled to do so in the case of East Timor is a sign of how serious things have become.

In May, Major-General Theo Syafei said it was no longer necessary for the ICRC to maintain an office in East Timor. The ICRC President, Mr. Cornelio Sommaruga, was in Jakarta at the time and received assurances from "the highest authorities" - that, is, President Suharto and Foreign Minister Ali Alatas - that its office would remain open. Mr. Sommaruga was further assured that difficulties hampering the conduct of ICRC prison visits in East Timor would be removed. However, later that month, a programme of prison visits in East Timor was abandoned due to a lack of cooperation on the part of the authorities there.

Meanwhile, international pressure was growing from many Governments to allow the ICRC to visit Xanana Gusmao, the resistance leader sentenced to life imprisonment on 21 May, who had said in his defence statement - which he was not permitted to read out in court - that he would go on hunger strike. After he was taken blindfolded from the court at the end of the trial, there were alarming reports about his physical condition, forced feeding and maltreatment. Intense international pressure led the Jakarta Government to set about persuading the military authorities in East Timor to allow an ICRC visit to take place. Although Governments wanted the ICRC to visit

(Ms. Budiardjo)

Xanana Gusmao, the Agency itself has always made it clear that it does not want just to visit Xanana Gusmao but to visit all the East Timorese prisoners.

Then came the announcement of a further programme of visits to begin on 17 June this year, but this too was abandoned within one day. This time, the ICRC put out a statement in Communiqué no. 93/18 of 22 June, 1993, in which it:

> "deplore[d] these continuing difficulties and appeal[ed] to the Indonesian authorities to take all necessary steps to resolve them and enable the visits to be carried out smoothly".

Although the ICRC itself refuses to say whether its team actually visited Xanana Gusmao, Major-General Theo Syafei has said that the resistance leader did indeed meet the ICRC delegation on 17 June. He said much else besides, as quoted in the Indonesian newspaper Republika of 17 June, 1993:

> "They [the ICRC team] will be here for two days, but they had better not try to disrupt or influence the interrogation process. If they do, I will send them home."

After saying that he himself would accompany the team on its visit to Xanana Gusmao - which I must add is unacceptable, as I understand it, according to the ICRC mandate for unescorted visits - he repeated the view that the ICRC should no longer have an office in East Timor and confirmed that, whereas Indonesia regards its "GPK" - that is, security-disruptor - prisoners in East Timor as ordinary criminal prisoners, the ICRC regards them as prisoners-of-war or political prisoners.

The Major-General's warning to send the ICRC packing was not just idle chatter. The ICRC visits were indeed abandoned. From what the Major-General said, it is clear that this happened as a result of his personal interference in their schedule.

(Ms. Budiardjo)

I put it to the Special Committee that this signals a situation of the utmost gravity. The ICRC is held in the highest esteem; its position of neutrality is beyond reproach. Yet the assurances that it has received "from the highest authorities", to quote Mr. Sommaruga himself, have proven worthless on the ground in East Timor.

We are now forced to conclude that even the Head of State and his Foreign Minister have no grip on what is happening in the Territory of East Timor; or could it be that the Head of State says one thing to the outside world while turning a blind eye to what the Commander says and does in East Timor? Now that the ICRC has reached an impasse in its endeavours to protect prisoners in East Timor, the United Nations will need to consider new initiatives to force the will of the international community on Indonesia to end its illegal occupation of East Timor and, in the meantime, to give protection to all prisoners and to insist on implementation of the resolution adopted by the United Nations Commission on Human Rights in March this year.

My final point relates to the trials of East Timorese in Dili, which are in breach of the Fourth Geneva Convention, which states that an occupying Power has no authority to impose its own laws in an occupied Territory.

Xanana Gusmao, who on 21 May was given a life sentence in a Dili court, was basing himself firmly on this principle when he said in his defence plea,

> "I reject the competence of any Indonesian court to try me, and particularly the jurisdiction of this court which has been implanted by force of arms and crimes committed against my homeland, East Timor."

The position he has taken is borne out by these proceedings here today. East Timor is on the Committee's agenda because it is regarded by the United Nations as a Non-Self-Governing Territory, or, in other words, an occupied country.

(Ms. Budiardjo)

The trials of Xanana Gusmao and all the other East Timorese are unlawful. They should all be released without delay. Xanana Gusmao's release is especially urgent in order that he may take part in the negotiations currently under way under the auspices of the United Nations Secretary-General.

The petitioner withdrew.

At the invitation of the Chairman, Mr. John M. Miller (Agir pour Timor) took a place at the petitoners' table.

The CHAIRMAN: I call on Mr. Miller.

Mr. MILLER: First, we thank the Committee for accepting our petition.

Agir pour Timor was founded in 1990; its aim is to defend the rights of the East Timorese people, in particular, the right to self-determination. To this end, we try to improve the knowledge in France of the invasion and annexation of East Timor and the human rights violations committed there by the Indonesian State for 17 and a half years, and also to pressure our Government and international authorities to help force Indonesia to respect the law by ceasing its violations and withdrawing from East Timor. We presented a petition before this Committee in 1991.

East Timor is now the largest Territory on this Committee's list. Through petitioners and other means, the Committee is kept regularly informed of the most recent developments. We shall not take the Committee's time unduly by repeating information that either is well known or will be given by other petitioners. Instead, we wish to make some remarks on the action of the United Nations in general, followed by a few suggestions to the Committee.

The United Nations General Assembly adopted eight resolutions condemning Indonesia's aggression and demanding its withdrawal. The Security Council adopted two. These resolutions have never been applied. For almost eight

(Mr. Miller)

years, there was no visible United Nations action for the settlement of the issue. The Secretary-General contented himself with a mediating role in talks between the administering Power and the occupying Power, without any participation of the main party, the Timorese people.

In the last two years, however, things have begun to change. A Special Rapporteur on torture visited the Territory in November 1991 and presented a report to the Commission on Human Rights in February 1992. A special envoy of the Secretary-General also visited the Territory, twice. The Commission on Human Rights adopted by consensus a statement on East Timor in 1992, and then in 1993 voted a resolution on the question, as Indonesia had not carried out the commitments it had agreed to in the 1992 statement.

We welcome these developments, particularly the last one. Indeed, despite whatever reservations certain diplomats may have, we are convinced that the adoption of a resolution condemning the Indonesian violations in East Timor goes in the right direction, if only because it gives more visibility to an issue that is usually suppressed, and also because it shows the culprit that it is not untouchable.

Similarly, the two visits of Mr. Amos Wako show a new interest on the part of the Secretary-General that we can only welcome. We see a trend towards more concrete actions by the United Nations and hope that the Committee will contribute to this trend. The suggestions that follow are related to this objective.

As regards action of the Committee, we have to admit a certain perplexity. We do not question the desire of most members to move towards a settlement of the East Timor issues. But we have no information on the actual action of the Committee, the nature of its recommendations to the Secretary-General or the extent to which they are followed up. This is why

(Mr. Miller)

our first suggestion is, in order better to understand this action, that this Committee provide, as far as possible, information to the public on its actions to defend the right of the people of East Timor to self-determination.

The participation of Indonesia in decisions of the Committee about a Territory that country annexed is one of the main reasons for our perplexity. If the debates take place in the same way as during the 1991 session, when we petitioned for the first time, Indonesia will not fail to ask for cancellation, as it has done, and then will present a statement refuting the argument of illegal occupation by basing itself on the Balibo declaration and a "valid act of self-determination", supposed to have taken place in 1976.

We recall that the United Nations does not accept this argument; nor, to our knowledge, does any country except Australia. The occupying Power, of course, has every right to present its arguments before the Committee, but what is more serious is that Indonesia will do whatever is in its power as a member of the Committee to block any effective action in favour of East Timor. This is why our second suggestion is that this Committee exclude Indonesia, as a member, from any decision-making process concerning East Timor, according to the legal principle that one cannot be both judge and party.

Our last two suggestions deal with points of more immediate relevance.

On 20 November 1992, Xanana Gusmao, leader of the East Timorese resistance, was captured by the Indonesian forces. He was judged and condemned, on 21 May, to life imprisonment. The trial and sentence are illegal and blatantly violate the Geneva Conventions. This is why we suggest that this Committee ask the Secretary-General to do whatever is in his power to secure the release of Xanana Gusmao as a symbol of the East Timorese

(Mr. Miller)

resistance movement and to intervene for the release of the other East Timorese political prisoners.

As we recalled before, Mr. Amos Wako, special envoy of the Secretary-General, visited East Timor twice, in 1992 and again in 1993. His reports, transmitted to the Secretary-General and the occupying Power, have not been made public. However, in the opinion of those who have had access to them, they are extremely interesting. The Commission on Human Rights, in its March 1993 resolution, actually asked the Secretary-General to release the first report. This is why we suggest that this Committee recommend that the Secretary-General release the two reports of Mr. Amos Wako.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Curt Goering (Amnesty International) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Goering to address the Committee.

Mr. GOERING (Amnesty International): Thank you, Mr. Chairman, for the opportunity to address the Committee and to present to it Amnesty International's concerns about human rights in East Timor.

Amnesty International welcomes the passing of the resolution on East Timor at the forty-ninth session of the United Nations Commission on Human Rights in March 1993. In expressing deep concern at Indonesia's persistent violations of human rights in East Timor, the international community has taken a positive step in addressing the issue of State violence in East Timor. We hope that States Members of the United Nations will continue to press the Indonesian Government to halt the widespread and persistent abuse of human rights in East Timor and to carry out the recommendations contained in the resolution.

The Indonesian Government has in recent months taken a number of initiatives aimed at promoting and protecting human rights, most recently the establishment of a national human rights commission in June. While welcoming these initiatives, we remain concerned that the Indonesian Government's stated commitment to human rights has not been matched by concrete measures to remedy past abuses or to prevent human rights violations from occurring.

The Government of Indonesia has consistently failed to respond adequately to serious concerns about human rights in East Timor; indeed, the Government, and particularly the military command, has made it clear that basic human rights can and will be set aside in the name of national security, stability and order. Effectively unchallenged by the international community and

(Mr. Goering)

unchecked by domestic legal or political mechanisms, the security forces have continued to commit violations with impunity.

Evidence that human rights violations are being perpetrated in an institutionalized and systematic manner in East Timor is not difficult to find; that human rights are being so violated is borne out also by the evidence we wish to present to the Committee today.

Since we last addressed the Committee, in August 1992, there has been no fundamental change in the Indonesian Government's repressive posture towards those suspected of being pro-independence suporters in East Timor. The evidence gathered by Amnesty International is that the military authorities continue to be free to employ virtually any means. including extrajudicial execution, "disappearance". arbitrary detention and torture, in the name of maintaining security and destroying pro-independence groups. There has been a persistent failure to investigate human rights abuses and bring the perpetrators to justice. If the human rights situation in East Timor is to improve, specific measures are urgently needed to remedy the problem. The Indonesian Government shows no sign, however, of taking the requisite measures.

Amnesty International welcomed the second fact-finding mission of the United Nations Secretary-General's Special Envoy, Amos Wako, to Indonesia and East Timor in February 1993. Some of the circumstances of the visit, however, are cause for serious concern. For example, the Secretary-General was obliged to issue a statement refuting allegations made by an Indonesian Government official that, in a meeting with the East Timorese resistance leader, Xanana Gusmao, Amos Wako had influenced him to make a strongly worded defence plea.

(Mr. Goering)

Of additional concern were allegations that the 17 East Timorese with whom the United Nations delegates had meetings had been unable to speak openly for fear of reprisals and that these conversations may have been recorded by the authorities. These fears would appear to have been justified in view of credible reports that some or all of those who were at liberty at the time they met Amos Wako were later detained for questioning about what had been discussed.

Amnesty International has repeatedly criticized political trials in both Indonesia and East Timor for consistently failing to meet international standards of fairness or even to conform to Indonesia's own code of criminal procedure.

The recent trial of Xanana Gusmao provides a case in point. Xanana Gusmao was sentenced to life imprisonment on 21 May 1993 after being found guilty of rebellion and illegal possession of firearms. In Amnesty International's view, his trial was a travesty of justice. Perhaps the most blatant contravention of fair-trial standards was the refusal of the trial judge to allow Xanana Gusmao to read his final defence plea. After he had read 2 pages of a 29-page statement, the presiding judge ordered him to stop, claiming that his remarks were "irrelevant". Government officials have since repeated the judge's claim that Xanana Gusmao's remarks were "irrelevant". In fact, far from being irrelevant, the statement addressed highly sensitive political issues related to the charges, such as the question of Indonesia's sovereignty over East Timor, and it therefore appears that his statement was suppressed in order to prevent Xanana Gusmao from raising such critical issues publicly.

(Mr. Goering)

While some detainees are formally charged following their arrest and subsequently tried, in the vast majority of cases people in East Timor are held in arbitrary, unacknowledged detention, frequently incommunicado. The period of detention ranges from a few hours to several months. Most are subjected to physical and psychological abuse before being released without being charged. This pattern of arbitrary detention appears to represent a systematic strategy aimed at silencing real or suspected political opponents of the Government and at obtaining political intelligence through coercion and intimidation.

Since July 1992, Amnesty International has learned of the arrest of more than 400 people who have been detained in East Timor either because of their alleged links to pro-independence groups or because they are relatives or friends of individuals suspected of having such links. The true figure, however, is probably much higher.

All those detained must be considered at serious risk. The use of unacknowledged, arbitrary and often incommunicado detention for interrogation facilitates, even invites, torture and other ill-treatment, as a mounting volume of evidence from former detainees makes clear. Torture of suspected political opponents has in some cases been so severe that it has resulted in hospitalization or even death. The relatives of real or suspected political opponents, including young girls and elderly men and women, have also been subjected to torture and ill-treatment, including rape.

Amnesty International is deeply concerned about reports of individuals being arrested and subsequently banished to various regions of East Timor. As of early 1993, at least 30 people who had previously been detained in police custody in Dili were reported to be detained at remote military posts.

(Mr. Goering)

In Amnesty International's view, the widespread use of arbitrary, unacknowledged detention, both in official detention centres and at military posts, makes it vital that the International Committee of the Red Cross (ICRC) be granted regular access to all places of detention. It is therefore of very serious concern that the ICRC was obliged to suspend visits to political prisoners in East Timor last month for the third time this year. The reason for this was that the military were placing unacceptable restrictions on the visits, thus making it impossible to monitor the safety and well-being of political detainees in the Territory. These restrictions had been imposed despite assurances by the President and the Minister of Foreign Affairs that unrestricted access to prisoners would be granted.

The identities of at least 100 civilians, and possibly as many as 250 killed by Government forces in the Santa Cruz massacre and its immediate aftermath, remain unresolved. The Indonesian Government has also failed to resolve the fate of more than 200 people who reportedly disappeared after the massacre. The official Government figure of 66 disappearances falls far short of the more than 200 people who remain unaccounted for. Amnesty International believes that the Indonesian Government has a responsibility to provide a full account of the truth to the relatives of victims of disappearance and to ensure that the results of any investigations are made public.

(Mr. Goering)

Amnesty International has received report of dozens of new disappearances in East Timor and at least 45 extrajudicial executions in the 18 months since the Santa Cruz massacre. These reports, though difficult to confirm, suggest that unlawful killing by Indonesian forces persists in East Timor. Amnesty International considers that, in view of past practice, such reports warrant immediate investigation.

We have also been disturbed by the reports that a vigilante group, closely linked to Indonesian Government forces, has been operating in East Timor as recently as March 1993. The members of the group are known as Ninjas.

Regular forms of harassment and intimidation meted out by the military on the civilian population have contributed to the creation of a climate of fear in East Timor. The threat of torture, including rape, and other forms of ill-treatment is often used by the security forces as a method of intimidation.

With members of the Indonesian military present in even small villages, often living in the houses of civilians, and the encouragement given to East Timorese to report the activities of their friends and neighbours, the population faces constant surveillance. The widespread use of arbitrary arrest adds to an atmosphere of tension and unease.

In the face of continuous military threats and intimidation, seven young East Timorese activists sought protection in the embassies of Finland and Sweden in Jakarta on 23 June. Of the seven, most are know to have been tortured in the years between 1989 and 1991, and three of them were actually shot by Indonesian troops during the Santa Cruz massacre. All were forced to live in hiding for more than a year after the events of November 1991.

(Mr. Goering)

In this statement, we have presented examples of the range of human rights violations carried out in East Timor since we addressed the Committee last year, and which continue to this day. They represent only a selection of the cases Amnesty International has documented over the past year. Yet the difficulties inherent in information-gathering in East Timor - the control of access to the Territory by the Indonesian authorities, monitoring of postal and telephone communications and the close surveillance of those suspected of disseminating human rights information - indicate that the information we have gathered represents only a fraction of the picture and that the scale of human rights abuse in East Timor may, in reality, be far greater.

In order to demonstrate its stated commitment to the promotion and protection of human rights, Amnesty International urges the Government of Indonesia to adopt the recommendations of the Commission on Human Rights and to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates.

International human rights organizations, including Amnesty International, should also be permitted to visit East Timor on a regular basis in order to monitor human rights developments. We regret the Indonesian Government's repeated refusal to permit such access, which, we fear, reflects a wish on the part of the authorities to conceal the full nature and extent of the violations being perpetrated by Indonesian Government forces in East Timor.

(Mr. Goering)

We believe that unless the international community takes firm action to ensure that genuine human rights guarantees are implemented, and institutes effective mechanisms to monitor their implementation, the people of East Timor will continue to face the daily threat and reality of serious human rights violations.

The petitioner withdrew.

Mr. ARDHAOUI (Tunisia) (interpretation from French): I am sorry to be taking the floor at this late hour. I should like, with your permission, Sir, to comment on two questions. When we listened to these petitioners, we did so - as did all the members present, I believe - very seriously. My delegation has a great deal of respect for all the petitioners, and we are always very pleased to have them present here in our debates.

None the less, my delegation is a bit disappointed because we were expecting these delegations to come here with ideas, with new ideas. The fact that they are here in such numbers means that they should be here to help the Committee and the Organization to overcome obstacles and to help resolve problems in a manner satisfactory to all. Unfortunately, that was not the case this morning.

We have heard talk in generalities, things that we are familiar with, that we see in the press. Human rights have been discussed, but we are not a human rights committee, we are the Committee on decolonization. Let us then talk about decolonization, not human rights. This fact has been forgotten, and an attempt is being made to turn this Committee into a committee on human rights. There has also been mention of the internal situation in Indonesia. So I think that the objective of this morning's debate has been distorted, and

(Mr. Ardhaoui, Tunisia)

my delegation is a bit disappointed. We would have liked to have gotten new ideas and suggestions so that we can move forward on the question of East Timor, but unfortunately, after this morning's debate, we see no progress. There were no new ideas, none whatsoever.

One more thing, if, Mr. Chairman, you will allow me to say one more thing. There is a second point we would like to make, and that is that we have been working in a way that is outside the bounds of legality this morning. Why do I say that? Well, I say it because you yourself have stated that we would be asking the Legal Counsel whether we can deal with this question of East Timor or not. That is what you said, that you would be asking that question. But without awaiting the opinion of the Legal Counsel, you proceeded with the debate. And that is the question I am asking in that connection.

What would our situation be if the Legal Counsel should say no, you do not have the right to deal with this question. What would we do at that point? Would we ask the Secretariat to declare the records of this meeting null and void? That is the question I am asking. I do not know how we will deal with this matter.

The CHAIRMAN: I am quite sure that the petitioners listened closely to what the representative of Tunisia said in his first remarks. With regard to his later remarks, I should like to advise the Committee that this not a debate; this is a hearing, in line with the decisions of the Committee. Therefore, we will continue to hear the petitioners and gather information. On the question of the Legal Counsel, I have requested the Secretary of the Committee to make contact, and at an appropriate time I will call a Bureau meeting to discuss this in order that the Committee may proceed with some degree of calm.

(The Chairman)

Is the representative of Tunisia satisfied with the response I have given? I thank him for his cooperation.

Since we still have a number of petitioners for this afternoon, I request that Committee members and petitioners be here on time at 3 o'clock in order to allow the hearings to continue promptly.

The meeting rose at 1 p.m.